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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CHASOM BROWN, WILLIAM BYATT,
11 JEREMY DAVIS, CHRISTOPHER CASTILLO,
12 and MONIQUE TRUJILLO individually and on
behalf of all other similarly situated,

13 Plaintiffs,

14 v.

15 GOOGLE LLC,

16 Defendant.

Case No.: 4:20-cv-03664-YGR-SVK

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' AND DENYING
GOOGLE'S MOTIONS IN LIMINE**

Judge: Hon. Yvonne Gonzalez Rogers

Trial Date: January 29, 2024

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18 **[PROPOSED] ORDER**

19 The Court hereby **GRANTS** Plaintiffs' Motion *in Limine* Number 1. Google did not
20 produce any non-public source code during discovery. Google is accordingly precluded from
21 presenting any evidence, testimony, or argument based on non-public source code at trial.

22 The Court hereby **GRANTS** Plaintiffs' Motion *in Limine* Number 2. Based on the Court's
23 class certification order, implied consent is irrelevant to the trial for the Rule 23(b)(2) classes, so
24 Google may not rely on (purported) evidence of classwide implied consent.

25 The Court hereby **GRANTS** Plaintiffs' Motion *in Limine* Number 3. Google is precluded
26 from introducing evidence or argument regarding the use of Google services by the Court,
27 Plaintiffs' counsel, and Plaintiffs' experts.

The Court hereby **DENIES** Google's Motion *in Limine* Number 4. The parties have factual disputes about joining and joinability, and the Court will not resolve those disputes through a motion *in limine*. Moreover, consistent with the Court's *Daubert* Order as to Plaintiffs' expert Bruce Schneier (Dkt. 803 at 20), whether Google could join private data with regular browsing data is relevant.

HON. YVONNE GONZALEZ ROGERS
United States District Judge